

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 175

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO HIGHER EDUCATION; PROHIBITING POST-SECONDARY
EDUCATIONAL INSTITUTIONS IN NEW MEXICO FROM SELLING STUDENT
LISTS TO FINANCIAL INSTITUTIONS; PROVIDING FOR CIVIL LIABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SALE OF STUDENT INFORMATION--MARKETING CREDIT
CARDS TO STUDENTS--PROHIBITED PRACTICES.--

A. No public or private post-secondary educational
institution, including its agents, its employees, its student
or alumni organizations or its affiliates, shall:

(1) sell, give or otherwise transfer to any
card issuer the name, address, social security number, date of
birth, telephone number or other contact or personal
identifying information of an undergraduate student at the
post-secondary educational institution without the student's

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underscored material = new
[bracketed material] = delete

1 consent; or

2 (2) enter into any agreement to market credit
3 cards to undergraduate students at the post-secondary
4 educational institution that would provide the names,
5 addresses, social security numbers, dates of birth, telephone
6 numbers or other contact or personal identifying information of
7 the undergraduate students.

8 B. A person whose contact information was sold,
9 given or transferred in violation of this section or the
10 attorney general may bring a civil action and seek a civil
11 penalty in an amount not to exceed ten thousand dollars
12 (\$10,000) for each violation plus costs of the action and
13 reasonable attorney fees.

14 C. For purposes of this section, "credit card" and
15 "card issuer" have the meanings given them in the federal Truth
16 in Lending Act.